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In re Application of
SCHADT et al. :
U.S. Application No. 10/567,282 :
PCT No.: PCT/US04/17754 :
Int. Filing Date: 04 June 2004 :
Priority Date: 05 August 2003 :
Attorney Docket No.: 9301-237-999 :
For: COMPUTER SYSTEMS AND METHODS :
FOR INFERRING CAUSALITY FROM
CELLULAR CONSTITUENT
ABUNDANCE DATA

DECISION ON REQUEST

This decision is issued in response to applicants' "Response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" filed 22 August 2006, which is being treated as a Petition under 37 CFR 1.497(d). The petition fee pursuant to 37 CFR 1.17(h) has been charged to the Deposit Account no. 50-3013.

BACKGROUND

On 04 June 2004, applicants filed international application no. PCT/US04/17754 which claimed a priority date of 05 August 2003. The international application named Eric Schadt and Stephanie A. Monks as applicants/inventors. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire 30 months from the priority date, 05 February 2006.

On 03 February 2006, applicants filed a transmittal letter for entry into the national stage accompanied by, *inter alia*: the requisite basic national fee; a copy of the international application; and an unexecuted declaration.

On 15 March 2006, the United States Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 22 August 2006, applicants filed a Petition under 37 CFR 1.497(d).

DISCUSSION

In the instant case, the international application named Eric Schadt and Stephanie A. Monks as applicants/ inventors. Applicants request to remove Stephanie Monks as an applicant/inventor. Additionally, applicants request to add John Lamb as an applicant/inventor. In order to correct an error in naming the inventor(s) made during the international stage in the national stage, a submission under 37 CFR 1.497(d) is required.

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires: (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part; (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.497(a); (3) the fee set forth in 37 CFR 1.17; and (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

With the filing the present request, applicants have satisfied items (1)-(4).

CONCLUSION

The request under 37 CFR 1.497(d) is GRANTED.

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.



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